

Report to the Iowa General Assembly

November 1, 2015



The Office of Substitute Decision Maker [OSDM] is governed by Iowa Code chapter 231E. Iowa Code section 231E.4(3)(i) mandates that the state office shall “...report to the general assembly on or before November 1, annually, *regarding the local offices* and recommend any appropriate legislative action.”

This report will establish compliance with Iowa Code section 231E.4(3)(i) for the period of July 1, 2014 to October 30, 2015.

Local Offices of Substitute Decision Maker:

The OSDM currently receives state funding of \$288,666. This funding is used to establish and operate a state office with three full-time employees. Pursuant to Iowa Code chapter 231E, a state office of substitute decision maker must be established to allow for the creation and administration of a statewide network of substitute decision makers, including local offices of substitute decision maker.

At this time, funding has been allocated only to establish the state office of substitute decision maker. Funding has not been allocated to establish local offices of substitute decision maker. Pursuant to Iowa Code section 231E.4(3)(a), local offices of substitute decision maker shall be established by July 1, 2017.

Establishing the State Office of Substitute Decision Maker:

The OSDM received an initial appropriation of \$288,666 on July 1, 2014, to be used to establish the state OSDM. The OSDM has taken the following actions to establish the state office:

- Hired 3 employees, including the positions of Director, Coordinator, and a support staff. The OSDM is currently operating with the full allotment of appropriated full-time employees.
- Obtained certification as Nationally Certified Guardians through the Center for Guardianship Certification. The Director and Coordinator for the OSDM are certified and may accept cases as required by 17 Iowa Administrative Code 22.3.
- Conducted a nationwide review of best practices and current systems of delivery.
- Completed site visits to other public guardianship programs to further explore and develop operational systems.

Assisting Iowans:

The OSDM has provided a broad range of assistance to Iowans throughout the State. The following are some of the ways the OSDM has impacted individuals requiring assistance:

- Over **1,000 Iowans** have been provided with information regarding substitute decision making.
- Operating with a current caseload of **19 cases** in which the OSDM has accepted applications and is or will be appointed as a substitute decision maker. Pursuant to Iowa Administrative Code, the OSDM can currently accept no more than 20 cases.
- Since January 8, 2015, the OSDM has responded to **238 phone calls** from Iowans requesting information and assistance.
- Met with over **40 entities and organizations** working with substitute decision making issues to provide information, assistance and training.

Brief History of the OSDM:

The first State Task Force on Substitute Decision Making was convened from 1990 to 1995. This task force identified gaps in law and less restrictive alternatives to guardianship and conservatorship. The Task Force also developed criteria for determining who needs a public substitute decision maker.

A second task force, the State Substitute Decision Makers Task Force, was created by the General Assembly in 1998. This Task Force was charged with and developed a report to the General Assembly in March 2001. The report contained recommendations for the formation of a statewide public guardianship office. This Task Force was disbanded in 2009.

In 2005, the General Assembly passed Iowa Code chapter 231E, known as “The Substitute Decision Maker Act.” This Act established the OSDM. In State Fiscal Year 2008, the OSDM was allocated a first-time appropriation of \$250,000 for operation of the office. In State Fiscal Year 2010, the OSDM was not appropriated funds and ceased operation.

On July 1, 2014, the OSDM was appropriated \$288,666 to again establish the program pursuant to House File 2463.

Additional Information:

For additional information regarding this report or the OSDM, please contact Joel Wulf, Assistant Director of the Iowa Department on Aging. Joel can be reached by phone at (515) 725-3326 or by e-mail at joel.wulf@iowa.gov.